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July 3, 2014

**Via ECF**

The Honorable P. Kevin Castel  
United States District Judge  
U.S. District Court for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

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Re: *United States and the State of New York ex rel. Corporate Compliance Associates v. Hospital for Special Surgery et al.*, No. 07 Civ. 292 (PKC)

Dear Judge Castel:

We are writing on behalf of defendant, the Hospital for Special Surgery (“HSS”), to advise the Court that on July 1, 2014 the Supreme Court granted the petition for a writ of certiorari in *United States ex rel. Carter v. Halliburton Co.*, 710 F.3d 171 (4th Cir. Mar. 18, 2013) *cert. granted*, *Kellogg Brown & Root Servs. v. United States ex rel. Carter*, 2014 LEXIS 4704 (Jul. 1, 2014). The issues that the Supreme Court will decide in that case include an issue that is before the Court in this case—whether the Wartime Suspension of Limitations Act (the “WSLA”), a criminal code provision that tolls the statute of limitations for “any offense” involving fraud against the government “[w]hen the United States is at war,” 18 U.S.C. § 3287, and which this Court has instructed must be “narrowly construed” in favor of repose, applies to claims of civil fraud brought by private relators, and is triggered without a formal declaration of war, in a manner that leads to indefinite tolling. Accordingly, we wanted to bring this development to the Court’s attention.

Sincerely,

/s/ Roger A. Cohen

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Sigal P. Mandelker  
Roger A. Cohen  
PROSKAUER ROSE LLP  
*Counsel for Defendant New York Society for the Relief of the Ruptured and Crippled,  
Maintaining the Hospital for Special Surgery*

cc: all counsel via ECF